



Senate Bill 795
Wicomico County - Alcoholic Beverages - Cigar Lounge License

February 24, 2023

Position: **OPPOSE**

Madame Chair and Members of the Finance Committee:

On behalf of the members of the *Restaurant Association of Maryland*, we oppose SB 795 which would allow for a cigar lounge license to be issued in Wicomico County for serving alcoholic beverages.

As you know, many of our restaurant bars accommodated smoking customers before Maryland's Clean Indoor Air Act became law in 2007. Given that the General Assembly banned smoking in indoor areas open to the public, and at establishments that serve alcohol and other workplaces, it would be unfair to subsequently allow alcohol to be served at establishments that allow smoking under the retail tobacco business exemption of the Clean Indoor Air Act.

Under Section 24-501 of the Act's definition of "Indoor area open to the public," an indoor area of any establishment licensed or permitted under the Alcoholic Beverages Article of Maryland's Code for the sale or possession of alcoholic beverages is also covered under the smoking ban. This means that a cigar lounge/shop without an alcoholic beverage license could continue to allow smoking under the retail tobacco business exemption of the Clean Indoor Air Act, or prohibit smoking if it chooses to acquire an alcoholic beverages license. But it cannot enjoy the benefits of both under Maryland's Clean Indoor Air Act.

Although we do not generally take positions on local alcohol bills, we are concerned about the precedent that passage of this legislation would create statewide. We have also opposed similar cigar lounge/shop local alcohol bills proposed for Frederick, Harford, and Prince George's Counties in recent years. None of those bills passed.

We recently learned that the bill sponsor will be offering amendments to address some of our concerns. We oppose this legislation as currently drafted. However, we would withdraw our opposition if the bill were amended to address our concerns.

Sincerely,

Melvin R. Thompson
Senior Vice President